

Congress of the United States
House of Representatives
Washington, DC 20515

January 10, 2018

Mr. L. Francis Cissna
Director, U.S. Citizenship and Immigration Services
Office of the Director
Room 5110 MS 2000
Washington, DC 20529-2000

Dear Director Cissna,

In recent weeks, this congressional office has been receiving reports from numerous employers in the Northern Mariana Islands that their petitions for Commonwealth-Only Transitional (CW-1) workers have been rejected by the U.S. Citizenship and Immigration Services because the agency has received a sufficient number of petitions to reach the Fiscal Year 2018 CW-1 cap. These reports require an explanation.

When my legislation, the Northern Mariana Islands Economic Expansion Act (NMIEEA), was signed last August, it was expected that the Act's exclusion of new construction workers from the CW-1 program would ensure that most CW-1 workers, who were lawfully present and employed prior to the construction surge in Fiscal Year 2016, would be protected in Fiscal Year 2018, while Congress worked on long-term legislation to address the labor needs of the Marianas. This expectation was based on the data in the Government Accountability Office report Commonwealth of the Northern Mariana Islands: Implementation of Federal Minimum Wage and Immigration Laws release in May 2017. GAO reported that before the surge in new construction workers that used up thousands of permits in 2016 and 2017, there were 9,715 CW-1 workers employed by local businesses in the Marianas – less than the numerical limit of 9,998 announced by USCIS for Fiscal Year 2018.

Despite that difference between the base number of CW-1 workers employed before the construction boom and the Fiscal Year 2018 cap, what we are now seeing is that USCIS is issuing rejection notices to hundreds of workers in sectors across the Marianas economy who have been "capped out." These workers include health care professionals, power plant operators, hotel and restaurant staff, tour operators, accountants, caregivers for elderly and disabled individuals, teachers, maintenance workers, housekeepers, security guards, and many others employed by long-time, local businesses that are the backbone of the Marianas economy. Some employers are already preparing to either cut back operations or close down. Many of these companies employ U.S. workers, as well, who could now lose their jobs.

One possible explanation, reported to me, is that certain companies may have submitted petitions for hundreds, or even thousands, of non-construction CW-1 workers

for Fiscal Year 2018. And, in some instances, the jobs for these workers may not actually exist, the company may lack sufficient resources to sustain its workforce, or the company is not otherwise a legitimate business. If this is indeed the case, it may explain why we are seeing so many workers who are being displaced now, so early in the fiscal year, even after the NMIEEA's bar on new construction workers from the CW-1 program.

Legitimate employers who comply with the rules and meet all the requirements of the CW-1 program should not have to compete with bad actors to access the workers they need, especially given the limited number of CW-1 permits available. I therefore request that, consistent with all applicable federal statutes, rules, and regulations, USCIS:

1. Undertake a closer review of employers who are petitioning for large numbers of CW-1 workers;
2. Revoke or deny permits for businesses that cannot show that bona fide jobs exist for their workers, cannot show that they have sufficient resources to pay these workers, or are found not to be a legitimate business or to have violated or be in violation of Federal or Commonwealth employment laws or regulations; and
3. Return any revoked or denied permits to the CW-1 pool so that legitimate businesses may avail of them.

I also request that USCIS provide me a report on any employers that have petitioned for more than 200 CW-1 workers for Fiscal Year 2018, and, of these employers, the number and occupational categories of beneficiaries for whom permits have been approved, denied, rejected, or remain pending as of January 12, 2018, and the number of petitions that are new and the number that are renewals. Because of the ongoing economic disruption affecting my constituents, I request this report be provided within 10 business days of today.

Thank you very much for your time and assistance. Please let me know if you require further information. Your staff may also contact my staff, Ms. Frances Diaz, at (202) 225-2646 or frances.diaz@mail.house.gov.

Sincerely,



GREGORIO KILILI CAMACHO SABLÁN
Member of Congress